

**Report on the Audit of Official Controls on Feed of
Non-Animal Origin (FNAO) and Feed
Establishments, Including Primary Producers**

Torfaen County Borough Council
11 October 2011



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Foreword

Audits of local authorities' feed and food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food and feed law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

www.food.gov.uk/enforcement/auditandmonitoring

This programme of focused audits in England and Wales was specifically developed to address two of the priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that feed meets the legislative requirements for animal consumption and is safe to enter the human food chain and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at inland feed establishments and effective local authority monitoring throughout the feed chain. The audits will also be an opportunity for the Agency to establish the level of controls being implemented by Local Authorities (LAs) following the FVO Mission to the United Kingdom on animal feed controls which took place from 16-26 June 2009. The report entitled 'The Implementation of Measures Concerning Official Controls on Feed Legislation' is available from the Europa website at:

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335.

The programme examined local authority (LA) systems and procedures for control of feed at inland authorities, in 10 geographically representative LAs in England and 2 in Wales. The audits were confined to feed not of animal origin (FNAO). A similar audit programme in Scotland is being scheduled later in 2011.

Agency audits assess local authorities' conformance with the Feed and Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010) and is available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring.

It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their feed enforcement services reflecting local needs and priorities.

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective feed law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on feeding stuffs. Parallel local authority audit

schemes are implemented by the Agency's offices in all devolved countries comprising the UK.

For assistance, a glossary of technical terms used within the audit report can be found at Annexe C.

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1. Introduction

- 1.1 This report records the results of an audit of Torfaen County Borough Council with regard to feed law enforcement, under relevant headings of the Food Standards Agency Feed and Food Law Enforcement Standard. The audit focused on the Authority's arrangements for inland controls of feed of non-animal origin. The audit was undertaken as part of the Agency's focused audit programme of feed controls in England and Wales. This report has been made publicly available on the Agency's website at:

www.food.gov.uk/enforcement/auditandmonitoring/auditreports.

Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Torfaen County Borough Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹

- 1.3 Torfaen County Borough Council was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services to be representative of a geographical mix of 12 feed law enforcement LAs across England and Wales.

Scope of the Audit

- 1.4 The audit examined Torfaen County Borough Council's systems and procedures for the control of feed not of animal origin (FNAO).
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of

¹ Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC)

officer training, authorisations, implementation and effectiveness of feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to feed and internal service monitoring arrangements were also covered.

- 1.6 The on-site element of the audit took place at the Authority's offices at County Hall, Cwmbran, Torfaen on 11 October 2011.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in feed law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy.
- 1.8 The information gained during this programme will be incorporated into a summary report on the feed inspection and control activities audit programme.

Background

- 1.9 Torfaen County Borough Council is situated inland in South Wales. The population of Torfaen is around 91,000 mainly situated in the urbanised areas in the South of the Borough. The North of the Borough is more agricultural. Most of Torfaen's administration is conducted from County Hall at Cwmbran, which it shares with Monmouthshire County Council. The administrative area of the Authority is small in comparison to the other authorities in the audit programme and has relatively few livestock premises and no feed manufacturing or processing establishments.
- 1.10 Torfaen County Borough Council's Food, Healthy and Safety Enforcement Team were situated within Planning and Public Protection Service and had responsibility for feed law enforcement activities. Auditors were informed that recently, the Authority had agreed an arrangement with Monmouthshire County Council's Animal Health and Welfare Team to carry out limited feed law enforcement activities on a monitoring basis as part of their animal health and welfare inspections at livestock premises.
- 1.11 Food Standards Agency Wales had carried out a full audit of the Authority's food and feed law enforcement service in 2003 which had made a number of recommendations in relation to animal feed. The audit was signed off as completed in 2007.

2. Executive Summary

- 2.1 During the last round of local government reorganisation the Authority's Environmental Health Department took over responsibility for feed law enforcement activities. However, auditors were informed that a decision was taken at Cabinet level that feed law enforcement was to be treated as a low priority. Following that decision the Authority has had a mainly reactive feed law enforcement service. Auditors were informed that recently there had been an agreement with Monmouthshire County Council to carry out some animal health inspections on behalf of Torfaen, including a limited amount of on-farm feed work on a monitoring basis. Monmouthshire County Council had also taken over responsibility for handling feed complaints and referrals and carrying out feed sampling activities on behalf of the Authority should it be required. However, these limited interventions do not fulfil the Authority's statutory requirements or those of the Framework Agreement on Official Feed and Food Controls by Local Authorities.
- 2.2 The Authority had developed a 'Food Service Plan 2011/12' that was broadly in line with the Service Planning Guidance in the Framework Agreement in relation to food law enforcement and which had been agreed at the appropriate Member forum. Although the Service Plan contained reference to the agreement with Monmouthshire County Council, it did not contain appropriate references to the full range of statutory feed law enforcement activities outlined in the Feed Law Enforcement Code of Practice (FLECP).
- 2.3 The Authority had not developed and implemented procedures for feed law enforcement activities in accordance with the FLECP and centrally issued guidance.
- 2.4 The Authority had developed and implemented an officer authorisation procedure. However, feed law enforcement and the required related competencies had not been integrated into the authorisation procedure. Officers had not been effectively authorised under some key feed legislation, such as the Agriculture Act 1970 or the Feed (Enforcement and Hygiene) (Wales) Regulations 1995. The Authority should review the Scheme of Delegation and the authorisation procedure to ensure that all relevant feed law enforcement legislation has been appropriately and unambiguously delegated. Generally officers had not received training in accordance with Continuing Professional Development requirements.
- 2.5 The Authority had not developed and implemented a procedure to ensure the feed premises database was accurate and up to date. The Authority reported that in practice the database was updated through inspection intelligence, exchanges of information with neighbouring authorities, and supported by local knowledge. The Authority was confident that all feed premises were contained within the database,

although it was not possible to verify this as feed premises had not been allocated a separate code for feed law enforcement purposes.

- 2.6 The Authority had not developed an annual feed premises inspection programme for 2011/12, and historically inspections of feed premises had not been routinely carried out at the frequency required by the FLECP. There was some evidence of limited inspection activity carried out by Monmouthshire County Council animal health officers, but these checks did not meet the minimum criteria of a full primary inspection, including Hazard Analysis and Critical Control Point (HACCP) assessments, as required by the legislation and the FLECP. In addition, the inspection findings were not routinely recorded on a suitable aide-memoire.
- 2.7 The Authority had not developed and implemented a documented feed sampling policy or procedure. The Authority had not carried out any recent feed sampling as the Authority considered this to be of low priority due to the number and nature of the feed premises within the area.
- 2.8 The Authority had not developed and implemented a documented feed complaints procedure. The Authority advised that it had not received any feed complaints or referrals in the last two years.
- 2.9 The Authority had not developed and implemented a procedure for the receipt of feed incidents in accordance with the FLECP. However, the Authority was able to confirm that it received feed incident notifications and had recorded its response to them as appropriate.
- 2.10 Due to the limited scope and nature of records held by the Authority relating to feed law enforcement activities, auditors were unable to assess whether such activities had been carried out in accordance with the FLECP. Auditors were also unable to verify whether officers had identified feed related problems and taken appropriate follow-up action when necessary.
- 2.11 The Authority had not developed and implemented a documented procedure on internal monitoring. There was no evidence that any feed law enforcement activities undertaken were being routinely monitored either quantitatively or qualitatively.
- 2.12 Based upon the audit findings, the Authority needed to develop and implement a documented, risk-based, proactive strategy for the identification and inspection of feed establishments in its area. This strategy should ensure that a suitable number of qualified experienced officers are appropriately authorised under relevant EU and UK feed legislation in order to carry out the full range of feed law enforcement activities in accordance with the FLECP and the Framework Agreement.

- 2.13 The feed law enforcement strategy should also take into account the findings of the 2009 FVO UK Feed Mission Report and the National Feed Law Enforcement Priorities issued by the Agency on an annual basis.
- 2.14 All feed law enforcement activities should be fully recorded and monitored in accordance with the FLECP and the Framework Agreement.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 At the last round of local government reorganisation in 1996 the Authority's Environmental Health Department took over responsibility for feed law enforcement activities from Trading Standards. However, auditors were informed that a decision was taken at Cabinet level that all feed law enforcement was to be treated as a low priority, which resulted in a mainly reactive service. Auditors were informed that recently there had been Cabinet level agreement with Monmouthshire County Council's Animal Health and Welfare Team, to carry out some animal health inspections on behalf of the Authority, including some feed work solely on a monitoring basis. However, these limited interventions do not fulfil the Authority's statutory requirements or those of the Framework Agreement on Official Feed and Food Controls by Local Authorities.
- 3.1.2 The Authority had developed a 'Food Service Plan 2011/12' ('the Service Plan'), linked to the 'Public Protection Service Improvement Plan'. The Service Plan was broadly in line with the Service Planning Guidance in the Framework Agreement in relation to food law enforcement, but with very limited information in relation to feed law enforcement. References to the agreement with Monmouthshire County Council to carry out feed law enforcement activities were included in the Service Plan but with insufficient detail as to the extent of the arrangements or how they would be administered. The Service Plan had been approved by an appropriate delegated senior officer.
- 3.1.3 There was no evidence that the previous year's Service Plan had been reviewed or that any improvements had been identified in relation to feed law activities. Auditors discussed the benefits of further developing the Service Plan and the importance of undertaking an annual review to focus on relevant feed activities and the identification of areas for improvement.
- 3.1.4 Auditors discussed the 2009 EC Food and Veterinary Office Report on feed law enforcement in the UK. The Authority had not taken any specific action to address the relevant findings of the Report.

Recommendation

3.1.5 The Authority should:

Further develop the Service Delivery Plan to include greater detail in regard to feed law enforcement activities in accordance with the Service Planning Guidance in the Framework Agreement. A performance review should be carried out at least once a year based on the service delivery plan and any variances addressed in the subsequent year's service arrangements. [The Standard - 3.1, 3.2 and 3.3]

Documented Policies and Procedures

- 3.1.6 The Authority had not developed and implemented any procedures for the Service's feed law enforcement responsibilities in accordance with the Feed Law Enforcement Code of Practice (FLECP) and centrally issued guidance.

Recommendation

3.1.7 The Authority should:

Develop, review and update documented policies and procedures relating to all feed enforcement activities at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard - 4.1]

Authorised Officers

- 3.1.8 The Authority had appointed a Lead Officer for feed and notified their name to the Agency.
- 3.1.9 The Authority had developed and implemented an officer authorisation procedure, which had been updated in June 2010. However, feed law enforcement and the associated required competencies had not been integrated into the authorisation procedure. Generally, officers, including those employed by Monmouthshire County Council had not been effectively authorised under the Agriculture Act 1970 or the Feed (Enforcement and Hygiene) (Wales) Regulations 1995, although all other feed related legislation was present on the authorisation schedules. The Lead Officer for feed had been correctly authorised under the appropriate

legislation. The Authority should review the Scheme of Delegation and the authorisation procedure to ensure that all relevant feed law enforcement legislation has been appropriately delegated. Officers, including the Lead Officer, had not received the necessary 10 hours training in accordance with Continuing Professional Development (CPD) requirements specified in the FLECP.

3.1.10 Officer training needs were identified as part of the corporate Performance Management Development System review process and six monthly interim reviews. However, the system had not been used to identify CPD requirements for feed law enforcement as it had not been considered a priority.

3.1.11 The Authority was able to confirm that approximately 0.2 FTE officers were available to carry out feed law enforcement. Auditors discussed the need to review the allocation of resources committed to feed law enforcement activities in relation to the number of agricultural establishments in the area. Auditors were informed that the Authority had concentrated on the monitoring of feed premises through animal welfare inspections, and reactive work such as responding to referrals, and had prioritised other trading standards activities of local significance ahead of medium and low risk feed premises interventions. The Authority stated that it did not have any high risk feed premises.

Recommendations

3.1.12 The Authority should:

- (i) Review the documented procedure for the authorisation of officers and the Council's scheme of delegation to ensure officers are appropriately and unambiguously authorised for all relevant feed law enforcement legislation in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 5.1]
- (ii) Review the resources allocated to feed law enforcement and ensure that a sufficient number of appropriately authorised officers are appointed to carry out work set out in the feed service delivery plan and in accordance with the Authority's statutory feed law enforcement responsibilities. [The Standard - 5.3]

Facilities and Equipment

- 3.1.13 The Authority had no feed sampling equipment of its own but had ensured it had access to suitable equipment from a neighbouring Authority for the sampling of feeding stuffs.
- 3.1.14 The Authority had an electronic database for recording feed law enforcement activities. The Authority's had not developed and implemented a procedure to maintain the accuracy of the database. The Authority reported that the database's accuracy had been maintained by a combination of intelligence accumulated from animal health inspections, and local knowledge. Auditors were unable to verify if the Authority was able to produce a fully accurate list of feed premises in the area as the database did not have a feed specific code for identifying feed premises. However, the Authority was able to identify livestock farms using the animal health code.
- 3.1.15 The Authority was unable to provide an accurate list of Registered Feed Premises to the Agency as only a few had been formally registered under the required legislation. There were no Approved Feed Premises in the Authority's area.

Recommendation

3.1.16 The Authority should:

Set up, maintain and implement a documented procedure to ensure the feed premises database is accurate, reliable and up to date. [The Standard - 11.2]

Liaison with Other Organisations

- 3.1.17 The Authority had not developed liaison arrangements with central government, other enforcement bodies and professional organisations in relation to feed enforcement matters.
- 3.1.18 Locally the Authority was represented at the Greater Gwent Group by Monmouthshire County Council.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Authority had not developed and implemented a feed inspection procedure.
- 3.2.2 Auditors were advised that there were no feed premises in the area carrying out activities requiring approval under the legislation. The Authority estimated that it had just under 200 livestock holdings within its area which had not been registered under the required legislation. The Authority had the necessary paperwork available for registration and had recently registered two premises of a large national retailer for R7, i.e. placing on the market of feed materials. However, a pre-registration visit had not been carried out at these premises to assess suitability for registration.
- 3.2.3 The Authority had not developed a risk-based feed inspection programme for 2011/12 and premises were not being inspected at the risk-based frequency required by FLECP. The Service Plan stated *'The Authority will have regard to any Food Standards Agency National Inspection for Animal Feed Law enforcement, and will seek to carry out inspections where high risk is perceived to exist'*. In practise the Authority, through its partnership arrangement with Monmouthshire County Council, was carrying out basic feed monitoring activities in conjunction with animal health and welfare inspections. There was no evidence that the feed law enforcement activities undertaken were of a sufficient scope to fulfil the requirements of FLECP.
- 3.2.4 The Authority informed auditors that generally feed checks carried out as part of animal health inspections were not recorded on an aide-memoire and no record was provided to the feed business operator, which is a requirement of the FLECP. Consequently, it was not possible for auditors to ascertain whether effective enforcement had been undertaken. Auditors discussed the need to keep sufficiently detailed records of feed law enforcement activities and the Authority should consider using the Agency's recently issued template aide-memoire which includes greater opportunity for officers to record HACCP assessments. This is essential to:
- demonstrate that feed businesses comply with the law
 - ensure subsequent inspecting officers are aware of individual business compliance histories
 - to inform each step of a graduated enforcement approach
 - and to permit effective internal qualitative monitoring.

Recommendations

3.2.5 The Authority should:

- (i) Set up, maintain and implement documented feed premises inspection procedures and ensure that feeding stuffs premises inspections are carried out at the minimum frequency specified by the Feed Law Enforcement Code of Practice. [The Standard – 7.4]
- (ii) Carry out feeding stuffs inspections at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1 and 7.2]
- (iii) Develop, maintain and implement a documented inspection procedures for the range of inspections carried out. [The Standard – 7.4]
- (iv) Assess the compliance of feed premises and systems to legally prescribed standards and ensure that observations made during inspections are recorded in a timely manner to prevent the loss of relevant information. Records should be legible and retrievable [The Standard - 7.3 and 7.5]

Verification Visit

- 3.2.6 As part of the audit programme a verification visit is normally carried out at a local feed business with an officer from the Authority to assess whether LA inspections fulfil the relevant official controls requirements. However, in the absence of a defined feed inspection and enforcement programme and any significant feed related records, this specific audit check could not be usefully undertaken.

Feed Sampling

- 3.2.7 The Authority did not have a feed sampling policy. The Service Plan stated that '*Monmouthshire County Council carry out any necessary feed sampling on behalf of Torfaen Council*'. In practice no feed sampling has been carried out by the Authority. Auditors were informed that the Authority considered the number of premises to be too small and not of a sufficient risk to justify the commitment of resources to feed sampling activity. The Authority stated that it was committed to taking samples where significant risk was identified or in response to a notified feed safety incident.

- 3.2.8 In addition the Authority had not developed or implemented feed sampling procedures.
- 3.2.9 The Authority had appointed an Agricultural Analyst for feed sampling activities should they be required and the laboratory used was appropriately accredited.

Recommendation

3.2.10 The Authority should:

Set up, maintain and implement a documented feed sampling policy, programme and procedures in accordance with the relevant legislation, Feed Law Enforcement Code of Practice and centrally issued guidance.
[The Standard -12.4 and 12.5]

Enforcement

- 3.2.11 The Authority had developed and implemented an enforcement policy entitled 'Enforcement Policy for the Food, Health and Safety Team' which had been approved at Cabinet level and revised in June 2010. The Policy confirmed that the Authority was committed to implementing the Enforcement Concordat and the Regulators' Compliance Code in all enforcement activities.
- 3.2.12 The Authority had not developed and implemented any feed law enforcement procedures and did not have the necessary documentation in place should enforcement action be required.
- 3.2.13 Other than providing advice, no feed law enforcement actions had been deemed necessary by the Authority for a number of years.

Recommendation

3.2.14 The Authority should:

Set up, maintain, and implement documented enforcement procedures to cover the full range of enforcement actions and follow-up action for feed law enforcement in accordance with the relevant legislation, the relevant Code of Practice and centrally issued guidance. [The Standard – 15.2]

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.15 The Authority had not developed or implemented a procedure for feed complaints. The Service Plan stated *'Feeding stuff complaints and queries are dealt with via a partnership agreement with Monmouthshire County Council'*. There had been no recent complaints or referrals relating to feed law enforcement.
- 3.2.16 The Authority confirmed support for the Home Authority Principle and the Primary Authority Scheme. The Authority does not act as Primary Authority or Home Authority for any feed businesses in its area.

Recommendation

3.2.17 The Authority should:

Set up, maintain and implement a documented policy and procedure in relation to feed complaints originating in the UK, EU and non-EU countries. Complaint procedures should include referrals from other authorities within the UK.

[The Standard - 8.1]

Feed Safety Incidents

- 3.2.18 The Authority had not developed or implemented a feed incidents procedure. However, auditors were informed that feed safety incidents would be dealt with similarly to the food safety incidents procedure and that an out of hours response arrangement had been developed. The Authority had a computer system that was capable of receiving feed alerts. All notifications had been retained as records and the Authority's responses to feed alerts were documented.

Recommendation

3.2.19 The Authority should:

Set up, maintain and implement a documented procedure for initiating and responding to feed alerts in accordance with the Feed Law Enforcement Code of Practice.

[The Standard - 14.1]

Advice to Business

- 3.2.20 Generally, due to the small number of relevant premises feed law advice was issued on a reactive basis or face to face with the feed business operator during animal health and welfare visits.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Authority had not developed or implemented a procedure for the monitoring of feed enforcement activities.
- 3.3.2 There was no evidence of any quantitative or qualitative monitoring in regard to the limited feed law related enforcement activities that had been undertaken. Auditors discussed the benefit of ensuring risk-based monitoring was carried out and covered all areas of feed law enforcement to verify conformance with the Standard. The monitoring should be routinely recorded.

Recommendation

3.3.3 The Authority should:

Ensure risk based internal monitoring covers all relevant areas of feed law enforcement activity in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Feed Law Enforcement Code of Practice and centrally issued guidance. Internal monitoring should be recorded. [The Standard - 19.1 and 19.3]

Records

- 3.3.4 Records of feed law enforcement activity were not routinely maintained. There were electronic records of animal welfare visits, carried out by Monmouthshire County Council, but these did not show whether feed law enforcement activities had been included as part of the visit. Therefore auditors were unable to determine from the records whether officers had made effective determinations of compliance with legal requirements, and to enable effective internal monitoring. There were no recent records for enforcement activity as the Authority had not deemed it necessary to carry out any enforcement actions.
- 3.3.5 There were no premises records available for feed businesses other than the electronic animal health records. These contained insufficient detail to ascertain the compliance history of the business in regard to feed issues and did not include the information relating to the nature and scope of the business as required by the FLECP.

Recommendation

3.3.6 The Authority should:

Maintain adequate, up to date accurate records for all feed establishments in its area in accordance with the Feed Law Enforcement Code of Practice. Records should include reports of all interventions/inspections, the determination of compliance with legal standards, and details of any action taken, including those in relation to unsatisfactory samples and complaints. [The Standard – 16.1]

Third Party or Peer Review

3.3.7 The Authority had not participated in any inter-authority audits or peer review processes relating to the feed service in the last two years.

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Food Standards Agency

Local Authority Audit and Liaison Division

Action Plan for Torfaen County Borough Council

Audit date: 11-12 October 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.5 Further develop the Service Delivery Plan to include greater detail in regard to feed law enforcement activities in accordance with the Service Planning Guidance in the Framework Agreement. A performance review should be carried out at least once a year based on the service delivery plan and any variances addressed in the subsequent year's service arrangements. [The Standard - 3.1, 3.2 and 3.3]	30/06/12 30/06/13	Service Delivery Plan to include the completion of actions as detailed in this action plan after they have received member approval. Review of performance against the Service Plan to be carried out, documented and submitted for member approval.	
3.1.7 Develop, review and update documented policies and procedures relating to all feed enforcement activities at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard - 4.1]	30/09/12 30/09/12 and as required	Existing policies and procedures to be reviewed and new policies and procedures developed as necessary. Policies and Procedures to be reviewed annually and following any changes to legislation or guidance.	Some existing procedures have been amended to include feed enforcement.
3.1.12(i) Review the documented procedure for the authorisation of officers and the Council's scheme of delegation to ensure officers are appropriately and unambiguously authorised for all relevant feed law enforcement legislation in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 5.1]	31/03/12	Procedure will be reviewed and officers authorisations amended as necessary to include feed legislation, specifically the Agriculture Act 1970 and the Feed (Enforcement and Hygiene) (Wales) Regulations 1995.	Advice sought from Legal section.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.12(ii) Review the resources allocated to feed law enforcement and ensure that a sufficient number of appropriately authorised officers are appointed to carry out work set out in the feed service delivery plan and in accordance with the Authority's statutory feed law enforcement responsibilities. [The Standard - 5.3]	30/09/12	In order to develop Feed Law enforcement in Torfaen we first need to determine the number of premises and the risk profile for these so that appropriate resources can be allocated.	Questionnaire to be developed to send to all premises.
3.1.16 Set up, maintain and implement a documented procedure to ensure the feed premises database is accurate, reliable and up to date. [The Standard - 11.2]	31/12/12	Following the updating of the database as a result of 3.1.12 above a procedure will be developed.	
3.2.5(i) Set up, maintain and implement documented feed premises inspection procedures and ensure that feeding stuffs premises inspections are carried out at the minimum frequency specified by the Feed Law Enforcement Code of Practice. [The Standard – 7.4]	31/12/12	Following the updating of the database as a result of 3.1.12 above a procedure will be developed.	
3.2.5(ii) Carry out feeding stuffs inspections at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1 and 7.2]	1/04/13	The database will be updated following the action proposed in 3.1.12 and will allow an assessment of the risk ratings for each premises. An inspection programme will then be drawn up.	
3.2.5(iii) Develop, maintain and implement a documented inspection procedures for the range of inspections carried out. [The Standard – 7.4]	30/06/12	Procedures will be developed in collaboration with Wales authorities.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.5(iv) Assess the compliance of feed premises and systems to legally prescribed standards and ensure that observations made during inspections are recorded in a timely manner to prevent the loss of relevant information. Records should be legible and retrievable. [The Standard - 7.3 and 7.5]	30/06/12	Forms will be developed to ensure all relevant information is recorded.	
3.2.10 Set up, maintain and implement a documented feed sampling policy, programme and procedures in accordance with the relevant legislation, Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard -12.4 and 12.5]	30/06/12	A feed sampling programme will be set up in conjunction with other authorities in Gwent area.	
3.2.14 Set up, maintain, and implement documented enforcement procedures to cover the full range of enforcement actions and follow up action for feed law enforcement in accordance with the relevant legislation, the relevant Code of Practice and centrally issued guidance. [The Standard – 15.2]	30/06/12	Documented procedures will be developed.	
3.2.17 Set up, maintain and implement a documented policy and procedure in relation to feed complaints originating in the UK, EU and non-EU countries. Complaint procedures should include referrals from other authorities within the UK. [The Standard - 8.1]	30/06/12	Policy and Procedures to be developed to cover all areas.	
3.2.19 Set up, maintain and implement a documented procedure for initiating and responding to feed alerts in accordance with the Feed Law Enforcement Code of Practice. [The Standard - 14.1]	30/06/12	Documented procedures will be developed.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.3 Ensure risk based internal monitoring covers all relevant areas of feed law enforcement activity in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Feed Law Enforcement Code of Practice and centrally issued guidance. Internal monitoring should be recorded. [The Standard - 19.1 and 19.3]</p>	<p>31/03/13</p>	<p>Internal monitoring will be undertaken in accordance with current legislation and guidance.</p>	
<p>3.3.6 Maintain adequate, up to date accurate records for all feed establishments in its area in accordance with the Feed Law Enforcement Code of Practice. Records should include reports of all interventions/inspections, the determination of compliance with legal standards, and details of any action taken, including those in relation to unsatisfactory samples and complaints. [The Standard – 16.1]</p>	<p>30/09/12</p>	<p>When premises database updated as in 3.1.12 all actions will be recorded on the database that is currently used for food safety and food standards. The database will be updated through inspection intelligence, exchanges of information with neighbouring authorities, and supported by local knowledge.</p>	

ANNEXE B

Audit Approach/Methodology

The audit was conducted using a variety of approaches and methodologies as follows:

(1) Examination of LA policies and procedures.

The following LA policies, procedures and linked documents were examined before and during the audit:

- FSAW Food Law Enforcement Service Audit Report 2003
- Food Service Plan 2011/2012
- Procedure for the Authorisation of Officers
- Constitution of the Authority
- Enforcement Policy for the Food, Health and Safety Team
- Food Procedures and Policies

(2) File reviews – the following LA file records were reviewed during the audit:

- Authorisation, qualification and training files
- Feed inspection, premises and registration records
- E-mail records

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer (Head of Public Protection/Lead Feed Officer)
- Senior Trading Standards Officer (Monmouthshire County Council)

Opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.

(4) On-site verification check:

No on-site verification check was carried out in regard to this audit.

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Airways bills	Commercial documents providing a general description of cargo items.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
CEDs	Common Entry Documents which must accompany certain food products to designated points of entry or import.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Consignment	A unit of cargo that can consist of one or a number of different products.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
DPE	Designated point of entry. A port that has been designated for the entry of certain high risk feed and food products subject to enhanced checks.
DPI	Designated point of import. A port that has been designated for the entry of certain products subject to safeguard controls due to aflatoxin contamination.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
ERTS	Enhanced remote transit shed. An HM Revenue and Customs designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
FNAO	Feed not of animal origin. Products that do not fall under the requirements of the veterinary control regime.

Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Formal samples	Samples taken in accordance with the requirements of the Feed Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Service Planning Guidance • Food and Feed Law Enforcement Standard • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.

Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary control regime.
Port Health Authority (PHA)	An authority specifically constituted for port health functions including imported food control.
Primary Authority	An authority that has formed a partnership with a business.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates feed premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every six months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food or feed service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feed enforcement.